

Appl. No. 10/690,225

Amendment dated April 26, 2005

Reply to Office Action of February 1, 2005

Remarks/Arguments

This Amendment is responsive to the Office Action mailed February 1, 2005.

This Amendment makes certain changes to the specification and to claim 1.

With respect to the changes to the specification, the Abstract has been amended in a minor way so as to change reference to the "compressed position" to the "collapsed position", for which there is an antecedent in the Abstract. This is seen as being a minor error that is readily correctable.

Paragraphs [0003] and [0005] have been amended simply to insert numerical parenthetical reference to the corresponding parts or portions in the drawings.

The specification has also been amended to combine paragraphs [0006] and [0007]. This appears to have been a printing error of the Office when the application was published. Finally, paragraph [0002] has been amended to simply specify a valve member or pintle 23, so as to provide a clear reference for a term used in the claims.

Each of the foregoing changes and corrections is believed to be minor, and is fully supported by the original disclosure. Suffice it to say that none of these changes or corrections seeks to introduce "new matter", which is prohibited by 35 U.S.C. § 132.

Turning now to the claims, this application was filed with thirteen original claims. Of these, only claim 1 is presented in independent form. Claims 2-13 are severally dependent, either directly or indirectly, on independent claim 1, and are to be construed as incorporating by reference all of the limitations of that main claim as well as intervening claim(s). [35 U.S.C. § 112].

In the recent Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being allegedly "anticipated" by Wiegand (U.S. Pat. No. 3,512,549). Here, the Examiner said:

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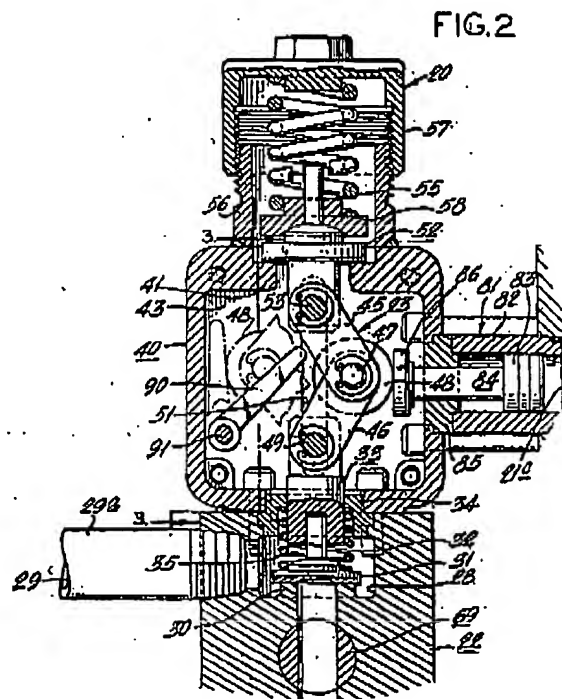
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"Wiegand discloses a displacement control device [figure 2] adapted to move a member [31] relative to a body [22] comprising:

- a drive means [81];
- an emergency actuator [91a] arranged mechanically in series with the member;
- a housing [figure 2];
- a spring [55] arranged to act between the housing and the member;
- and
- a toggle linkage formed of two pivotally connected links [45, 46] acting between the housing and the spring adapted to be selectively moved between a collapsed position at which the links are arranged at an obtuse included angle and an extended position at which the links are arranged at an obtuse included angle slightly less than 180°, the toggle linkage arranged such that the spring will be more greatly compressed when the links are in the extended position than when the links are in the compressed position."

With all due respect, Applicants' attorney respectfully submits that claim 1, both as originally drafted and as further amended herein, distinguishes patentably from the fair prospective teaching of the Wiegand reference.

Referring now to Fig. 2 of Wiegand, a fragmentary portion of which is shown in the insert, this reference discloses a pilot-operated relief valve having a toggle-like linkage, generally indicated at 23, operatively arranged to move a valve member 31 with respect to its seat 30. A pressure responsive device, generally indicated at 81, is arranged to bear against



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the "knee" of the toggle mechanism. A spring 55 is arranged to act between the end of a bonnet 57 which is threaded on a body, and a disc 58 which, in turn, bears against a bearing member 52 that acts on one end of the toggle. Note that disc 58 is arranged to bear against the toggle, but is also adapted to abut a shoulder 41 provided on housing 40 when the toggle mechanism moves toward its collapsed position. Thus, even if bonnet 57 and spring 55 are regarded as equivalent to Applicant's drive means, *arguendo*, it is clear that such "drive means" does not continuously bear against the end of the toggle in Wiegand. To emphasis this distinction, claim 1 has been amended to clarify that Applicants' spring is arranged "to act on said toggle linkage at all relative link positions between said collapsed and extended positions". This further clarifies the distinction of Applicants' claimed combination over Wiegand. In other words, Wiegand does not disclose a device in which the toggle linkage acts between the housing and the spring at all operative positions of the toggle linkage between the collapsed and extended positions. To the contrary, As pointed out above, there at certain positions, member 52 in Wiegand bears against the shoulder 41.

Thus, claim 1, both as originally drafted, and as now further amended, clearly and unequivocally distinguishes from the fair prospective teaching of the Wiegand reference, either individually or in combination with other references.

Claims 2-13 were severally dependent, either directly or indirectly, on independent claim 1, and incorporate the same distinguishing limitations of that main claim. Accordingly, the foregoing demonstration as to how claim 1 distinguishes patentably from the prior art is believed to similarly demonstrate the allowability of dependent claims 2-13. Suffice it to say here that these dependent claims similarly distinguish from the Wiegand reference in the same manner as claim 1. At the same

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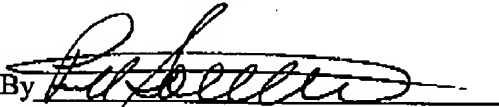
time, it is believed unnecessary to discuss the manner by which these dependent claims distinguish from the other references cited by the Examiner.

This Amendment is believed to be fully-responsive to the Office Action of February 1, 2005; is believed to squarely address each and every ground for objection or rejection raised by the Examiner; and is further believed to materially advance the prosecute of this application toward immediate allowance.

Formal allowance of claims 1-13 is, therefore, courteously solicited.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this correspondence is being transmitted by facsimile transmission to (703) 872-9306 on April 26, 2005.

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Signed: April 26, 2005

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